

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

MDL No. 1456

Civil Action: 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO
01-CV-12257-PBS and 01-CV-339

DECLARATION OF DENISE M. KASZUBA

I, Denise M. Kaszuba, do hereby declare that:

1. I am associate manager of pricing support in the department of Pricing Institutional Operations of Bristol-Myers Squibb Company ("BMS") in Plainsboro, New Jersey. Since the merger of Bristol-Myers and Squibb in 1991, I have been responsible for communicating BMS's wholesale list prices ("WLPs") and direct prices ("DPs") to customers and others, including industry publications such as the Redbook, First Data Bank and Medispan (the "Publications"). Beginning in August 2001, BMS began to send a single list price -- the WLPs -- to the Publications.

2. I understand that seven BMS drugs are presently at issue in these proceedings: Blenoxane, Cytosan, Etopophos, Paraplatin, Rubex, Taxol and Vepesid (the “Subject Drugs”). I am fully familiar with the BMS’ practices for reporting the WLPs and DPs for the Subject Drugs from 1991 to date and it is safe to say that, barring my occasional absence from work due to vacation, illness or personal reasons, no such

prices would have been communicated by BMS to the Publications during that time period without my knowledge.

3. It was BMS' practice to report a WLP or DP for the Subject Drugs to the Publications only when (a) the NDC for the drug was first launched or (b) BMS made a change (i.e. increase or decrease) to the WLP or DP for that NDC.

4. Of the seven Subject Drugs, two (Etopophos and Taxol) had no changes in the WLPs or DPs from the launch of their NDCs to date; accordingly, BMS did not communicate a price to the Publications on these NDCs after their initial launch dates. Of the remaining five Subject Drugs (Blenoxane, Cytosan, Paraplatin, Rubex and Vepesid), there would have generally been no WLP or DP changes once the NDC for that Drug faced generic competition; accordingly, unless there was a change in the NDC number for a Subject Drug or a new NDC was launched, BMS would not have communicated prices to the Publications on the remaining Subject Drugs after that time.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 13, 2006


Denise M. Kaszuba